

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CHARLES M. KUPPERMAN

Plaintiff,

v.

U.S. HOUSE OF REPRESENTATIVES,
et al.

Defendants.

Civil Action No. 1:19-cv-3224 (RJL)

CONSENT MOTION FOR LEAVE TO EXCEED PAGE LIMIT

President Donald J. Trump respectfully moves pursuant to Local Rule 7(e) for leave to file a reply brief in support of his motion to dismiss or, in the alternative, for summary judgment, ECF No 40, of up to 35 pages in length. Plaintiff and the House Defendants consent to this request. In support of this motion, the President states as follows:

1. Plaintiff filed his Complaint on October 25, 2019, seeking declaratory relief regarding the validity of a subpoena issued by the House Defendants as well as the President's assertion of testimonial immunity on behalf of Plaintiff. ECF No. 1 at 16.

2. On November 14, 2019, the President filed a motion to dismiss the Complaint or, in the alternative, for summary judgment. ECF No. 40. The same day, the House Defendants filed a motion to dismiss the Complaint under Federal Rules of Civil Procedure 12(b)(1) and (b)(6). ECF No. 41.

3. On November 27, 2019, Plaintiff filed an unopposed motion to file a consolidated brief in response to the President's and the House Defendants' motions, and to enlarge the page limit. ECF No. 45. Along with that unopposed motion, Plaintiff also filed a 55-page consolidated opposition brief and a motion to add Paul D. Irving, in his official capacity as the U.S. House of

Representatives Sergeant-at-Arms, as a co-defendant in this matter. ECF Nos. 43 & 45. There has been no ruling on Plaintiff's unopposed motion to file a consolidated brief and to enlarge the page limit.

4. On November 27, 2019, the House Defendants also filed their brief in response to the President's motion. ECF No. 47.

5. Pursuant to the Court's expedited briefing schedule, which was entered by minute order on October 31, 2019, the President's reply in support of his motion to dismiss or, in the alternative, for summary judgment is due by December 4, 2019.

6. The President is working diligently to present his legal arguments to the Court as concisely as possible. However, given that he must respond both to Plaintiff's opposition and the House Defendants' response in the same brief, and given the relatively large number of issues raised in this case—including standing, mootness, cause of action, and merits issues regarding whether a congressional committee can compel a former senior advisor to the President to testify on matters relating to his official duties—a modest extension of 10 pages for the President's reply brief would enable him to best assist the Court in resolving the questions presented in this case.

7. Accordingly, the President respectfully seeks leave to file a reply brief of up to 35 pages.

8. Pursuant to Local Rule 7(m), counsel for the President conferred with counsel for Plaintiff and counsel for the House Defendants, who consent to this motion.

Dated: December 3, 2019

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[PROPOSED] ORDER

UPON CONSIDERATION of President Donald J. Trump's consent motion for leave to exceed page limit, it is hereby ORDERED that the President's motion is GRANTED.

IT IS SO ORDERED.

Date: _____

HON. RICHARD J. LEON
United States District Judge